

§ 97.709 [Reserved]

§ 97.710 State SO₂ Group 2 trading budgets, new unit set-asides, Indian country new unit set-aside, and variability limits.

(a) The State SO₂ trading budgets, new unit set-asides, and Indian country new unit-set asides for allocations of TR SO₂ Group 2 allowances for the control periods in 2012 and thereafter are as follows:

- (1) *Alabama.* (i) The SO₂ trading budget for 2012 and 2013 is 216,033 tons.
- (ii) The SO₂ new unit set-aside for 2012 and 2013 is 4,321 tons.
- (iii) [Reserved]
- (iv) The SO₂ trading budget for 2014 and thereafter is 213,258 tons.
- (v) The SO₂ new unit set-aside for 2014 and thereafter is 4,265 tons.
- (vi) [Reserved]
- (2) *Georgia.* (i) The SO₂ trading budget for 2012 and 2013 is 158,527 tons.
- (ii) The SO₂ new unit set-aside for 2012 and 2013 is 3,171 tons.
- (iii) [Reserved]
- (iv) The SO₂ trading budget for 2014 and thereafter is 95,231 tons.
- (v) The SO₂ new unit set-aside for 2014 and thereafter is 1,905 tons.
- (vi) [Reserved]
- (3) *Kansas.* (i) The SO₂ trading budget for 2012 and 2013 is 41,528 tons.
- (ii) The SO₂ new unit set-aside for 2012 and 2013 is 789 tons.
- (iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 42 tons.
- (iv) The SO₂ trading budget for 2014 and thereafter is 41,528 tons.
- (v) The SO₂ new unit set-aside for 2014 and thereafter is 789 tons.
- (vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 42 tons.
- (4) *Minnesota.* (i) The SO₂ trading budget for 2012 and 2013 is 41,981 tons.
- (ii) The SO₂ new unit set-aside for 2012 and 2013 is 798 tons.
- (iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 42 tons.
- (iv) The SO₂ trading budget for 2014 and thereafter is 41,981 tons.
- (v) The SO₂ new unit set-aside for 2014 and thereafter is 798 tons.
- (vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 42 tons.
- (5) *Nebraska.* (i) The SO₂ trading budget for 2012 and 2013 is 65,052 tons.

- (ii) The SO₂ new unit set-aside for 2012 and 2013 is 2,537 tons.
- (iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 65 tons.
- (iv) The SO₂ trading budget for 2014 and thereafter is 65,052 tons.
- (v) The SO₂ new unit set-aside for 2014 and thereafter is 2,537 tons.
- (vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 65 tons.
- (6) *South Carolina.* (i) The SO₂ trading budget for 2012 and 2013 is 88,620 tons.
- (ii) The SO₂ new unit set-aside for 2012 and 2013 is 1,683 tons.
- (iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 89 tons.
- (iv) The SO₂ trading budget for 2014 and thereafter is 88,620 tons.
- (v) The SO₂ new unit set-aside for 2014 and thereafter is 1,683 tons.
- (vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 89 tons.
- (7) *Texas.* (i) The SO₂ trading budget for 2012 and 2013 is 294,471 tons.
- (ii) The SO₂ new unit set-aside for 2012 and 2013 is 14,430 tons.
- (iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 294 tons.
- (iv) The SO₂ trading budget for 2014 and thereafter is 294,471 tons.
- (v) The SO₂ new unit set-aside for 2014 and thereafter is 14,430 tons.
- (vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 294 tons.
- (b) The States' variability limits for the State SO₂ Group 2 trading budgets for the control periods in 2014 and thereafter are as follows:
 - (1) The SO₂ variability limit for Alabama is 38,386 tons.
 - (2) The SO₂ variability limit for Georgia is 17,142 tons.
 - (3) The SO₂ variability limit for Kansas is 7,475 tons.
 - (4) The SO₂ variability limit for Minnesota is 7,557 tons.
 - (5) The SO₂ variability limit for Nebraska is 11,709 tons.
 - (6) The SO₂ variability limit for South Carolina is 15,952 tons.
 - (7) The SO₂ variability limit for Texas is 53,005 tons.
- (c) Each SO₂ Group 2 trading budget in this section includes any tons identified under a new unit set aside or Indian country new unit set aside, but

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excludes any tons in a variability limit.

[77 FR 10340, Feb. 21, 2012]

EFFECTIVE DATE NOTE: At 77 FR 34846, June 12, 2012, § 97.710 was amended by revising paragraphs (a)(2)(iv) and (a)(2)(v); revising paragraphs (a)(3), (a)(5), and (a)(6); and revising paragraphs (b)(2), (b)(3), (b)(5) and (b)(6), effective Aug. 13, 2012. For the convenience of the user, the revised text is set forth as follows:

§ 97.710 State SO₂ Group 2 trading budgets, new unit set-asides, Indian country new unit set-aside, and variability limits.

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(iv) The SO₂ trading budget for 2014 and thereafter is 135,565 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 2,711 tons.

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(3) *Kansas.* (i) The SO₂ trading budget for 2012 and 2013 is 41,980 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 798 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 42 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 41,980 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 798 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 42 tons.

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(5) *Nebraska.* (i) The SO₂ trading budget for 2012 and 2013 is 68,162 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 2,658 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 68 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 68,162 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 2,658 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 68 tons.

(6) *South Carolina.* (i) The SO₂ trading budget for 2012 and 2013 is 96,633 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 1,836 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 97 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 96,633 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 1,836 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 97 tons.

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(b) * * *

(2) The SO₂ variability limit for Georgia is 24,402 tons.

(3) The SO₂ variability limit for Kansas is 7,556 tons.

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(5) The SO₂ variability limit for Nebraska is 12,269 tons.

(6) The SO₂ variability limit for South Carolina is 17,394 tons.

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§ 97.711 Timing requirements for TR SO₂ Group 2 allowance allocations.

(a) *Existing units.* (1) TR SO₂ Group 2 allowances are allocated, for the control periods in 2012 and each year thereafter, as provided in a notice of data availability issued by the Administrator. Providing an allocation to a unit in such notice does not constitute a determination that the unit is a TR SO₂ Group 2 unit, and not providing an allocation to a unit in such notice does not constitute a determination that the unit is not a TR SO₂ Group 2 unit.

(2) Notwithstanding paragraph (a)(1) of this section, if a unit provided an allocation in the notice of data availability issued under paragraph (a)(1) of this section does not operate, starting after 2011, during the control period in two consecutive years, such unit will not be allocated the TR SO₂ Group 2 allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year. All TR SO₂ Group 2 allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the State where such unit is located and for the respective years involved. If such unit resumes operation, the Administrator will allocate TR SO₂ Group 2 allowances to the unit in accordance with paragraph (b) of this section.

(b) *New units.* (1) New unit set-asides. (i) By June 1, 2012 and June 1 of each year thereafter, the Administrator will calculate the TR SO₂ Group 2 allowance allocation to each TR SO₂ Group 2 unit in a State, in accordance with § 97.712(a)(2) through (7) and (12), for the control period in the year of the applicable calculation deadline under this